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7 IN THE UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 United States of America,

10 Plaintiff,

11 v.

12 Jose Alfredo Lugo-Castro,

13 Defendant.

No. 08-3069-M

**ORDER EXTENDING
TIME TO INDICT**

(First Request)


14 HAVING considered Defendant's Motion to Extend Time to Indict and
15 good cause having been shown;

16 THE COURT makes the following findings:

- 17 1. Counsel for defendant has only recently been appointed;
- 18 2. The defendant earnestly wishes to consider the plea offer extended by
- 19 the government;
- 20 3. The defendant wishes to investigate possible defenses prior to
- 21 considering the government's plea offer;
- 22 4. The government's plea offer, if accepted by the defendant and then the
- 23 court, would likely reduce defendant's exposure to a significant term
- 24 of imprisonment;
- 25 5. If the defendant does not timely accept the plea offer prior to
- 26 indictment, the government will withdraw said plea offer and any
- 27 subsequent plea offer after indictment would likely be less
- 28 advantageous to the defendant;
6. Failure to extend time for indictment in this instance would thus operate to bar defendant from reviewing the government's plea offer in a meaningful way prior to indictment; and

7. The ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy indictment.

IT IS FURTHER ORDERED that pursuant to the Speedy Trial Act, 18 U.S.C. 3161, the Government shall have an extension of thirty (30) days to file a timely Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days in which the Government may present the case to the grand jury.


Lawrence O. Anderson
United States Magistrate Judge